

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

AUDRA CAPPS and DOUGLAS ROBERT
GIBSON, JR.,

Plaintiffs,

v.

JOSEPH DIXON, et al.,

Defendants.

Civil No. 19-12002 (RMB/AMD)

SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel at the scheduling conference pursuant to Rule 16, Federal Rules of Civil Procedure on September 3, 2019; and the Court noting the following appearances: Louis C. Shapiro, Esquire, appearing on behalf of Plaintiffs; Thomas B. Reynolds, Esquire, appearing on behalf of Defendant Joseph Dixon; and A. Michael Barker, Esquire, appearing on behalf of Defendants City of Millville, Bryan Orndorf and Jody Farabella; and good cause appearing for the entry of the within Order:

IT IS on this **3rd** day of **September 2019**, hereby **ORDERED**:

1. The parties shall make FED. R. CIV. P. 26(a) disclosures on or before **September 16, 2019**.

2. Plaintiff's counsel shall forward a letter to the Court by **September 30, 2019**, stating that the parties have conferred pursuant to L. Civ. R. 26.1(b)(2) and 26.1(d) concerning discovery of electronically stored information, including social media, and advise whether the parties have agreed on computer-based and other digital discovery matters.

3. Initial written discovery requests shall be served by **October 15, 2019**. Any responses, answers, and objections to initial written discovery requests shall be served in accordance with Court Rules.

4. The Court will conduct a telephone status conference on October 16, 2019 at 2:30 P.M. Counsel for Plaintiffs shall initiate the telephone call.

5. The time within which to file a motion to amend the pleadings or a motion to join new parties will expire on **January 15, 2020.**

6. Pretrial factual discovery is hereby extended to **June 15, 2020.** All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

7. **Depositions.** All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in *Hall v. Clifton Precision*, 150 F.R.D. 525 (E.D. Pa. 1993).

8. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of Plaintiffs shall be served upon counsel for Defendants not later than **July 15, 2020.** All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of Defendants shall be served upon counsel for Plaintiffs not later than **August 17, 2020.** Each such report should be accompanied by the *curriculum vitae* of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **September 18, 2020.**

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition shall be considered an expert subject to the requirement of FED. R. CIV. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to FED. R. EVID. 701 and *Teen-Ed v. Kimball International, Inc.*, 620 F.2d 399 (3d Cir. 1980).

9. **Dispositive Motions**. Dispositive motions shall be filed with the Clerk of the Court no later than **October 23, 2020**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

10. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under Fed. R. Civ. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER
MAY RESULT IN THE IMPOSITION OF SANCTIONS UNDER Fed. R. Civ. P.
16(f).**

s/ Ann Marie Donio

ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Renée Marie Bumb